

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FISHER SAND & GRAVEL, CO.
d/b/a/ SOUTHWEST ASPHALT PAVING and
FISHER SAND & GRAVEL – NEW MEXICO, INC.,

Plaintiff,

v.

Case No. 1:10-cv-00635-RB-SMV

FNF CONSTRUCTION, INC., *et al.*,

Defendants.

**ORDER DENYING IN PART AND GRANTING IN PART DEFENDANT
JED BILLINGS' MOTION TO COMPEL PLAINTIFFS TO FULLY RESPOND
TO HIS THIRD SET OF REQUESTS FOR PRODUCTION [Doc. No. 420]**

THIS MATTER came before the Court on Defendant Jed Billings' Motion To Compel Plaintiffs To Fully Respond To His Third Set Of Requests For Production [Doc. No. 420]. The Court, having reviewed the briefs and papers submitted by the parties, heard oral argument, and being otherwise advised in the premises, hereby finds that the Motion should be denied in part and granted in part as follows:

1. The Motion is DENIED as moot as it pertains to Request for Production Nos. 42, 43, 44, 45, 48, 49, 51, 52, 53, 54, 55, 58, 59, 60, 61 63, 64, 65and 66;
2. The Motion is DENIED as it pertains to Request for Production No. 46, 47, and 56;
3. The Motion is GRANTED IN PART as it pertains to Request for Production No. 50 in that Plaintiff is ordered to produce, for any employee that Fisher claims it laid off on account of Defendants' actions, any document from the employee's personnel file that reflects the reason that the employee's employment was terminated. Fisher is permitted to redact personal information, but may not redact the employee's name or last known contact information;

4. The Motion is GRANTED IN PART as it pertains to Request for Production No. 62 in that Fisher is ordered to produce its 2008, 2009, 2010, and 2011 federal income tax returns.

IT IS SO ORDERED



STEPHAN M. VIDMAR
United States Magistrate Judge

Submitted By:

MODRALL SPERLING ROEHL HARRIS
& SISK, PA

By: /s/ Jeremy K. Harrison

Timothy C. Holm
Jeremy K. Harrison
P. O. Box 2168
Albuquerque, NM 87103-2168
505-848-1800

- and -

William J. Quinlan
QUINLAN LAW FIRM
Two First National Plaza
20 S. Clark, Suite 2900
Chicago, IL 60603
Attorneys for Plaintiffs

Approved By:

PEIFER, HANSON & MULLINS, P.A.

By: Approved via Electronic Mail

Charles R. Peifer
Lauren Keefe
P.O. Box 25245
Albuquerque, New Mexico 87125-5245
505-247-4800
Attorneys for Defendant FNF Construction, Inc.

RODEY, DICKASON, SLOAN, AKIN
& ROBB, P.A.

By: Approved via Electronic Mail

David W. Bunting

P.O. Box 1888

Albuquerque, NM 87103-1888

505-765-5900

Attorneys for Defendants Pulice Construction, Inc. and Stephen Basila

BLACKBURN LAW OFFICES

By: Approved via Electronic Mail

Billy R. Blackburn

1011 Lomas Blvd. NW

Albuquerque, NM 87102-1952

505-242-1600

Attorneys for Jed Billings